

APPENDIX D  
DEVELOPER CERTIFICATION

IN THE MATTER OF THE	:	
[Insert Site Name,	:	DEVELOPER
Program Interest Number (Preferred ID)]	:	CERTIFICATION
AND	:	
[Insert Name of Person]	:	

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Authorized Individual's Title

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Address of Person

hereby certifies, on behalf of *[insert name of person]*, that he or she is authorized to make this binding Certification for the *[describe here the real property that [insert name of person] is remediating, including any name by which the Site is known, the street address, all blocks and lots, the municipality, county and the DEP program interest name and program interest number(preferred ID)] [(the Site)]*, and, with regard to that Site, *[insert name of person]* further certifies as follows:

1. *If person is an owner of the site, or a prospective purchaser of the site: [Insert name of person] insert one of the following:*

*purchased the Site on [insert date];*

*acquired title to the Site by devise or succession on [insert date];*

*intends to acquire the Site after the date of this Certification.*

2. *If person is an owner of the site, insert one of the following unless the person acquired the site on or after January 6, 1998 and entered into an oversight document with the Department prior to acquiring ownership of the Site:*

*If person acquired title to the Site on or after September 14, 1993, insert the following:*

*[Insert name of person] has undertaken, at the time of acquisition, all appropriate inquiry*

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into the previous ownership and uses of the Site, including the performance of a preliminary assessment and a site investigation, if necessary pursuant to N.J.A.C. 7:26E. A copy of which is attached hereto. See, N.J.S.A. 58:10-23.11gd(2).

*If person acquired title to the Site prior to September 14, 1993, insert the following:*

At the time of acquisition, *[Insert name of person]* undertook all appropriate inquiry on the previous ownership and uses of the Site based upon generally accepted good and customary standards, and, as result of that inquiry, did not know and had no reason to know that any hazardous substances had been discharged at the Site. After acquiring title to the Site, *[Insert name of person]* submitted to the Department, on *[insert date]*, a preliminary assessment report prepared pursuant to N.J.A.C. 7:26E-3.2, and, if necessary pursuant to N.J.A.C. 7:26E-3, a site investigation report prepared pursuant to N.J.A.C. 7:26E-3.13. A copy of which is attached hereto. See, N.J.S.A. 58:10-23.11gd(5).]

*3. If the person acquired title to the Site on or after January 6, 1998, insert the following:*

*[Insert name of person]* has:

a. Within 10 days after acquiring title to the Site, agreed in writing (a copy of which is attached hereto) to give the Department access to the Site to oversee the remediation and to perform any remediation that *[insert name of person]* does not perform; and

b. Within 30 days after acquiring title to the Site, commenced remediation of the Site, including any migration, pursuant to a Department oversight document executed on *[insert date, which must be prior to date of acquisition]* and is presently in compliance with all of the Department's remediation requirements.

*4. [Insert the following if the person executing this Certification is an owner of the Site and has discovered a discharge at the Site.] Concerning discharges at the site which occurred prior to [insert name of person]'s acquiring title, where applicable, to the Site:*

a. *[Insert name of person]* discovered the discharges at the Site on *[insert date]*; and

b. *[Insert name of person]* reported these discharges to the Department on *[insert date]* via *[insert one of the following:*

*telephone call to the DEP Hotline,*

*written documentation, or*

*describe other means of providing the Department notice of the discharges].*

*5. [Insert name of person], at any time up to the date of this Certification:*

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a. Has not discharged, at the Site, any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, or pollutant defined pursuant to N.J.S.A. 58:10A-3;

b. Has not been in any way responsible, pursuant to any law, for any contaminant at or emanating from the Site, or contamination that has emanated from the Site, other than by acquiring ownership of the Site, if applicable, after all of the discharges occurred at the Site;

c. Has not aggravated or contributed to contamination at or emanating from the Site, or contamination that has emanated from the Site;

d. Has not, as a holder of a security interest in a facility or underground storage tank facility, actively participated in the management of a facility or underground storage tank facility at the Site, as those terms are defined in N.J.S.A. 58:10-23.11a et seq.;

e. Has not negligently caused a new discharge at the Site, after the date of *[insert name of person]*'s foreclosure on a security interest in the Site, pursuant to N.J.S.A. 58:10-23.11g.6.e(1); and

f. Is not at the time of this certification, and has never been, an owner or operator of an industrial establishment at the Site pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq.

6. *[Insert name of person]* is not a corporate successor to, affiliated with, or otherwise related to any person described below such that *[insert name of person]* would be liable for the contamination other than by acquiring title to the site:

a. Any entity that the *[Insert name of person]* has reason to believe has discharged at the Site any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, or pollutant defined pursuant to N.J.S.A. 58:10A-3;

b. Any entity that *[Insert name of person]* has reason to believe is in any way responsible, pursuant to any law, for contamination at or emanating from the Site, or contamination that has emanated from that Site, other than by acquiring ownership, if applicable, of the Site after all of the discharges occurred at the Site; or

c. Any person that *[Insert name of person]* has reason to believe is liable, pursuant to N.J.S.A. 58:10-23.11g, for cleanup and removal costs, as that phrase is defined at N.J.S.A. 58:10-23.11b, for the Site.

7. *[Insert name of person]* agrees that until the remediation is complete, *[insert name of person]* is under a continuing obligation to inform in writing the applicable Case Manager at the New Jersey Department of Environmental Protection, within thirty (30) calendar days after any of the above facts or circumstances change and the date of such change.

8. *[Insert name of person]* is familiar with the Site and with all matters addressed in this

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Certification.

9. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment, and that I will also forfeit developer status, for the purposes of the Department's oversight cost formula, in that event.

*Print Full Name of Person]*

*[Type or*

Dated:

By:

Signature of Authorized Individual

*[Type or Print Name and Title of Authorized Individual]*

Dated:

Witness:

Signature of Witness

*[Type or Print Name of Witness]*